

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH – CENTRAL DIVISION**

| | | |
|------------------------------|---|------------------------|
| REV. EDWARD ALLAN BUCK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| -vs- |) | Case No. 07-CV-774-SPF |
| |) | |
| JUDGE TED STEWART, JUDGE |) | |
| PAUL WARNER, JUDGE JOHN |) | |
| EDWARDS CONWAY, JUDGE |) | |
| DEANELL REECE TACHA, JUDGE |) | |
| TERRENCE L. O'BRIEN, JUDGE |) | |
| WILLIAM JUDSON HOLLOWAY, |) | |
| JR., JUDGE BOBBY R. BALDOCK, |) | |
| JUDGE TENA CAMPBELL, JUDGE |) | |
| BROOKE WELLS, JUDGE MICHAEL |) | |
| W. MCCONNELL, JUDGE JOHN |) | |
| CARBONE PORFILIO, JUDGE |) | |
| PAUL G. CASSELL, |) | |
| |) | |
| Defendants. |) | |

ORDER

Before the court is plaintiff's Motion for Transfer to the Jurisdiction of the United States Court of Federal Claims, filed October 11, 2007 (doc. no. 5). Upon review, the court finds that the motion should be denied.

As to plaintiff's constitutional, statutory and tort claims against the individual defendants, the court finds that the United States Court of Federal Claims does not have jurisdiction over such claims. The jurisdiction of the United States Court of Federal Claims only extends to claims against the United States. It does not extend to claims against federal officials. Frank's Livestock & Poultry Farm, Inc v. U.S., 17

Cl.Ct. 601, 607 (1989), *aff'd*, 905 F.2d 1515 (Fed. Cir. 1990); *see also*, 28 U.S.C. § 1491 (“The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.”); 28 U.S.C. § 1346(a) (the United States Court of Federal Claims has original jurisdiction over “[a]ny other civil action or claim against the United States, not exceeding \$10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort . . .”).

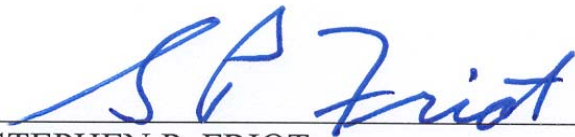
As to plaintiff’s constitutional and statutory claims, if any, against the United States, the court concludes that the jurisdiction of the United States Court of Federal Claims has not been invoked. In order to invoke the court’s jurisdiction, plaintiff “must state a claim based on one of the specific constitutional provisions, federal laws, or federal regulations that mandate the payment of money damages.” Smith v. U.S., 51 Fed. Cl. 36, 38 (Fed. Cl. 2001). Plaintiff’s constitutional and statutory claims, to the extent alleged against the United States, are not based upon constitutional provisions or federal laws which independently mandate monetary compensation as a remedy for their violation. *Id.*; *see also*, Frank’s Livestock & Poultry Farm, Inc., 17 Cl.Ct. at 607.

To the extent plaintiff alleges tort claims against the United States, the court finds that the United States Court of Federal Claims does not have jurisdiction over such claims. The United States Court of Federal Claims has no jurisdiction over claims against the United States sounding in tort. Ogden v. U.S., 61 Fed. Cl. 44, 47-48 (Fed. Cl. 2004); *see also*, 28 U.S.C. § 1346(b)(1) (“Subject to the provisions of

chapter 171 of this title, the district courts . . . shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.)

Accordingly, plaintiff's Motion for Transfer to the Jurisdiction of the United States Court of Federal Claims, filed October 11, 2007 (doc. no. 5), is **DENIED**.

DATED March 31, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE